

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Paul Blackmer

v.

Civil No. 05-cv-340-PB

Warden, Northern New Hampshire
Correctional Facility

REPORT AND RECOMMENDATION

Pro se petitioner Paul Blackmer has filed an objection (document no. 21) to my report and recommendation (document no. 19), recommending dismissal of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. See Rule 4 of the Rules Governing Section 2254 Proceedings (requiring initial review to determine whether the petition is facially valid and may be served); United States District Court for the District of New Hampshire Local Rules 4.3(d) (authorizing the magistrate judge to preliminarily review *pro se* pleadings). Because I find Blackmer's objection to be meritorious, and for the reasons discussed in my order issued simultaneously herewith, he is ordered to amend his petition to demonstrate exhaustion of the unexhausted claims (Grounds 1-4, 6-7, 9-12, 14-20, 22-25). As explained more fully in my order, the remaining claims (Grounds

5, 8, 10, 13, 15, 21 and 26)¹ are not cognizable for purposes of federal habeas review, therefore, I recommend they be dismissed.

If this report and recommendation is approved, the claims as identified herein will be considered for all purposes to be the claims raised in the petition. If the petitioner disagrees with the identification of the claims herein, he must do so by objection filed within ten (10) days of receipt of this report and recommendation, or he must properly move to amend the petition.

Any further objections to this report and recommendation must be filed within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the district court's order. See Unauthorized Practice of Law Committee v. Gordon, 979 F.2d 11, 13-14 (1st Cir. 1992); United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).


James R. Muirhead
United States Magistrate Judge

Date: June 7, 2006

cc: Paul Blackmer, *pro se*

¹For the reasons discussed more fully in my order, I recommend dismissal of Grounds 10 and 15 only in part.